

Message Text

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ACTION SCS-06

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E.O. 11652: N/A
TAGS: CASC, PINT, GY
SUBJECT: BILL LIMITING RIGHT OF DEFENDANT IN CIVIL SUITS TO
LEAVE GUYANA PASSES PARLIAMENT

REF: GEORGETOWN 2472

1. ON AUGUST 4 PARLIAMENT PASSED THE HIGH COURT (AMENDMENT) BILL OF 1978 WHICH EXTENDS THE POWERS OF THE HIGH COURT TO PROHIBIT DEFENDANTS IN CIVIL ACTIONS FROM LEAVING GUYANA. THE LEGISLATION PROVIDES THAT A DEFENDANT IN AN ACTION FOR RECOVERY OF A MINIMUM OF G\$500 FROM BREACH OF CONTRACT MAY BE BARRED FROM LEAVING THE COUNTRY IF THE PLAINTIFF CAN ESTABLISH TO THE SATISFACTION OF THE COURT THAT THE ABSENCE OF THE DEFENDANT WOULD BE PREJUDICIAL TO THE RECOVERY OF FUNDS WHICH MIGHT BE AWARDED THE PLAINTIFF. THE STANDING ORDERS OF PARLIAMENT WERE SUSPENDED TO ALLOW DEBATE ON THE MEASURE, WHICH WAS FIRST INTRODUCED ON JULY 28. NORMALLY, SEVEN WORKING DAYS MUST ELAPSE BETWEEN FIRST READING OF A BILL AND DEBATE (SECOND READING).

2. ATTORNEY GENERAL AND MINISTER OF JUSTICE MOHAMMED SHAHABUDEEN, GOVERNMENT SPOKESMAN FOR THE BILL, NOTED THAT MANY STUDENTS HAD DEFAULTED ON GOG LOANS WHICH PROVIDED
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FUNDS FOR OVERSEAS STUDIES. PASSAGE OF THE BILL, SHAHABUDEEN ARGUED, WOULD ALLOW THE GOVERNMENT, OR ANY OTHER PLAINTIFF IN A SIMILAR CASE, TO RECOVER FUNDS FROM DEFAULTERS.

3. BOYSIE RAMKARRAN, SPOKESMAN OF THE OPPOSITION PEOPLES' PROGRESSIVE PARTY (PPP) AGAINST THE BILL, TERMED THE

LEGISLATION DISGUSTING AND DISGRACEFUL. ALTHOUGH THE PPP HAD NO ARGUMENT WITH THE PRINCIPLE OF RECOVERING FUNDS DUE THE GOVERNMENT, RAMKARRAN STATED THAT THE LEGISLATION WAS PETTY AND VINDICTIVE AS IT WAS DIRECTED AGAINST ONE INDIVIDUAL WHO HAD INCURRED THE WRATH OF THE GOVERNMENT BY PROTESTING VOTING IRREGULARITIES DURING THE JULY 10 REFERENDUM. RAMKARRAN ASKED WHY THE GOVERNMENT COULD NOT SUE THE GUARANTOR OF THE LOAN RATHER THAN PROHIBITING THE DEBTOR FROM LEAVING THE COUNTRY.

4. COMMENT: ALTHOUGH RAMKARRAN DID NOT MENTION DURING HIS SPEECH THE NAME OF THE INDIVIDUAL HE WAS REFERRING TO, HE UNDOUBTEDLY HAD IN MIND GEORGE HOPKINSON (REFTEL) WHO APPARENTLY HOLDS BOTH GUYANESE AND US CITIZENSHIP. BECAUSE THE BILL IS RETROACTIVE TO ACTIONS PENDING BEFORE THE COURTS AT TIME OF PASSAGE, THE HOPKINSON CASE DOES FALL WITHIN THE PURVIEW OF THE LEGISLATION.
DWYER

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Message Attributes

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